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Report of the Law Enforcement Involved Fatal Incident/Officer-Involved Shooting of Luc Ciel
by the Richmond Police Department on April 11, 2019

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Privacy Statement

This report includes redactions of the names and other identifying information of victims, witnesses, neighbors, and Mr. Ciel's family members. Specific addresses are also not provided in this report. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as the readability of this report the victims, witnesses and the key location will be indexed as follows:

- Victim 1 (V-1), the wife of Ciel¹
- Victim 2 (V-2), the daughter of Ciel
- Victim 3 (V-3), the son of Ciel
- Location #1, Victim residence and the location of the calls for service

¹ V-1, V-2, and V-3 are victims of the assault by Ciel, as well as witnesses to the use of deadly force by the responding officers.

EXECUTIVE SUMMARY

On April 11, 2019, at approximately 2:33 a.m., Richmond Police Department (RPD) Dispatch Center received a 911 transfer call from the California Highway Patrol (CHP) Dispatch Center of a home invasion robbery in progress at Location #1.

Occupants of the residence identified Luc Ciel as the father of V-2 and V-3, and the estranged husband of V-1. It was reported that Ciel broke a bedroom window, climbed inside the residence, and that he was armed with a knife.

At the time of this incident, Ciel was not living at this residence and no longer had keys to the residence. Two weeks prior to the incident, Ciel was arrested by RPD for domestic violence charges. V-1 (Wife) had first reported domestic violence in 2015, which led to the issuance of a restraining order against Ciel, but he had subsequently moved back into the residence in violation of the restraining order.

V-1 and Ciel have been married since 2003 and have two children together (V-2 and V-3). According to family members, Ciel has made death threats in the past that he would kill himself and his family members. His reasoning was that they did not love him. In 2015, Ciel assaulted V-3, who was a juvenile at the time.

On the date in question, V-1 and V-2 called RPD to report that Ciel had broken into the residence. It was first reported as a home invasion in progress, then updated to a burglary, identifying Ciel as the responsible. The call was updated to report that Ciel was attempting to stab family members. During the call, the RPD Dispatch Communication's Operator could hear background noise, indicating that there was a loud disturbance occurring inside the residence. This information was broadcast to responding RPD units.

Sergeant Virgil Thomas, along with Officers Danielle Evans, Daniel Campos, John Bruce, Terrance Jackson, Jeffrey Tyner and Armando Moreno responded to this incident. Once officers arrived, there was confusion about the address because the house numbers could not be located.

The responding officers were provided with additional information and vehicle descriptions that allowed them to identify the location in question. Sergeant Thomas who was armed with a less than lethal bean bag shotgun² arrived with other officers and took a tactical position on the northside of the residence along with Officers Bruce, Jackson, and Moreno. Officers Tyner, and Evans went alongside the north side of the residence. All officers were in full uniform with Richmond Police patches on both shoulders and their badges on the left chest area.

Officer Campos, a trained crisis negotiator, was assigned to the front of the residence where he could communicate with occupants of the residence. As officers were surrounding the residence, it was reported that someone in the residence had been stabbed and that Ciel may have tried to stab himself.

² Bean bag shotgun – A shotgun, oftentimes with distinctive markings, used to fire lead shot wrapped in fabric (e.g., bean bag) at a violent subject. It's an intermediate force option that is designed to deliver kinetic energy to a subject without fatally injuring the targeted person.

Officer Evans located a locked door in the middle of the northside of the residence that was secured by a metal security gate. Officers Evans and Tyner re-positioned themselves to the rear of the residence where they noticed a broken bedroom window. Officer Tyner could hear noise from within the residence but could not decipher what was being said. Officer Evans and Tyner noticed a raised wooden deck to the rear of the residence that led to an unlocked and opened sliding door.

Officer Tyner could hear a male voice “grunting” and a female repeatedly saying “no, no, no!” Officer Tyner described the inflection in the female’s voice as if she was being, “sexually assaulted.” Once Officers Tyner and Evans got closer to the opened sliding window, they saw a female standing in the room with her back facing them inside the room of where the sliding glass window led. The female, later identified as V-1, turned toward them, Officer Evans yelled for her to come outside and she complied.

Officers Evans and Tyner could see the female had blood on her face and a disheveled appearance. Officer Tyner advanced toward the sliding glass door and immediately saw an adult male (Ciel), in the hallway on the floor struggling with V-2 and V-3. V-2 was being held down by Ciel, who was crouching over her while holding a large knife in his left hand. V-2 was in between Officer Tyner and Ciel. V-3 was positioned to the rear of Ciel, physically struggling to prevent him from stabbing V-2. Ciel raised the knife in his left hand in a stabbing motion. Officer Tyner yelled for him to, “Drop it, drop it, drop it!” Ciel’s attention was momentarily directed towards Officer Tyner, which allowed V-2 to break free of Ciel’s grasp and run to an adjacent room.

Ciel then stood and advanced towards Officer Tyner with the knife in his raised left hand. Fearing for their safety Officers Tyner, Evans, and Jackson all fired their duty handguns at Ciel. Officer Tyner fired three times, Officers Evans and Jackson each fired their handguns once.

Ciel collapsed to the ground, still grasping a large knife in his right hand³.

At 3:00 a.m., the Contra Costa County District Attorney’s Office (CCCD AO) was notified of the incident. The CCCDAO sent Deputy District Attorney Barry Grove along with a group of senior inspectors to investigate the incident.

V-1 sustained stab wounds to her head, neck, and hands. V-2 sustained several scratches, cuts, and red marks to her left wrist and hand. V-3 sustained a laceration to the left side of his face, stab wounds to his hands, and he had numerous scratches and cuts to his hands.

None of the involved officers were physically injured during this incident.

On April 12, 2019, at approximately 8:50 a.m., the Contra Costa County Sheriff’s Coroner’s Office conducted an autopsy of Ciel’s remains. The forensic pathologist determined the cause of death

³ The knife in his right hand is a second large knife, combat style, approximately eight (8) inches in length. Ciel dropped the first large knife that he had in his left hand after he was struck by gunfire.

to be multiple gunshot wounds.

The Contra Costa County Sheriff's Office Coroner's Inquest was held on Thursday, November 4, 2019. The jury returned a verdict of death caused by suicide.

After interviewing the involved police personnel, reviewing all the relevant evidence, and applying the appropriate legal standard, the Contra Costa District Attorney's Office determined the involved officers justifiably feared for their lives and the lives of the victims. Thus, their subsequent use of deadly force was legal and necessary under the circumstances.

Accordingly, in applying the applicable law and the California District Attorney's Uniform Crime Charging Standards to the present case, there is no evidence to support a criminal prosecution against Officers Jeffrey Tyner, Danielle Evans, and Terrance Jackson. As such, no further action will be taken in this case.

INTRODUCTION

This report is the final step in the CCCDAO investigation of the Richmond Police Department (RPD) fatal officer-involved shooting of Luc Ciel on April 11, 2019, in Richmond, California.

The CCCDAO and every law enforcement agency in Contra Costa County follow the Law Enforcement Involved Fatal Incident Protocol (“the Protocol”)⁴ to investigate incidents when officers or civilians are shot, killed, or die during an encounter with law enforcement.

Under the Protocol, the CCCDAO investigates all officer-involved shootings in Contra Costa County for the purpose of making an independent determination of criminal liability. The sole purpose of the District Attorney Investigation is to determine if there is proof beyond a reasonable doubt that an individual involved in the law enforcement involved fatality committed a crime.

Pursuant to the Protocol, immediately after a fatal officer-involved shooting, the involved law enforcement agency is required to notify the appropriate District Attorney personnel. Once notified, trained and experienced members of the District Attorney’s Office respond to the scene and begin the criminal investigation. In addition, criminal investigators from the law enforcement agency involved in the incident and from the jurisdiction where the incident occurred, if different, respond to the scene as well. It is important to note that although these investigations happen simultaneously, each agency conducts its own independent investigation.

As part of the criminal investigation, law enforcement officers and civilians who witnessed the incident may be interviewed, evidence is collected at the scene and may be submitted to the county crime lab for testing and analysis, in addition to any other relevant investigative work necessary to complete the investigation. The Contra Costa County Sheriff’s Crime Lab responds to every incident and is responsible for evidence collection of all shooting incidents.

During the course of the criminal investigation, an officer or deputy has the right to be represented by an attorney. They may voluntarily choose to provide a statement, physical evidence, or other relevant information during the criminal and administrative investigations. Under the law, neither an officer nor civilian can be compelled to give a statement as part of a criminal investigation. However, an officer may be compelled to provide a statement during the law enforcement agency administrative investigation only. (See, Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300 et seq.) In accordance with the law, the CCCDAO does not participate in compelled administrative investigation interviews and does not review them as part of the independent criminal investigation. There are very narrow circumstances where an exception to this rule is allowed.

⁴ Contra Costa County was one of the first counties in the country to adopt a fatal incident protocol between the District Attorney and the law enforcement agencies within the county. The complete LEIFI Protocol document can be located on the Contra Costa County District Attorney’s Office website.

Independent of the CCCDAO and in accordance with the Protocol, the Coroner's Division of the Contra Costa County Sheriff's Office (CCCSO) conducts a Coroner's Inquest following most deaths that involve law enforcement personnel or, law enforcement operations or activities within Contra Costa County.

The Coroner's Inquest is open to the public, conducted by a hearing officer (a private attorney hired by the Coroner's Division), and is held in front of a jury of citizens randomly selected from the Contra Costa County Superior Court jury pool. During the Inquest, the Hearing Officer questions witnesses, and additional evidence may be presented. After hearing all of the evidence, the role of the jury is to decide whether the death was by (1) natural causes, (2) suicide, (3) accident, or (4) at the hands of another person other than by accident (i.e., homicide). The jury's decision has no legal bearing on the civil or criminal investigations or liability of any person(s) involved in the Incident.

*Note- This report contains information, photos, and descriptions of an officer-involved shooting that resulted in the death of a person. The information contained herein is graphic and the reader of this report may find some of this information to be objectionable.

INVESTIGATION

Overview

On April 11, 2019, at approximately 3:00 a.m., Barry Grove, Deputy District Attorney, received a call from RPD Captain Louie Tirona, stating that an officer-involved shooting had occurred in the city of Richmond. Chief Mulligan made the decision to have Deputy District Attorney (DDA) Barry Grove and six District Attorney Senior Inspectors respond to the scene to conduct the criminal investigation on behalf of the CCCDAO.

When the CCCDAO investigative team arrived at Location #1, the crime scene was being physically guarded by RPD personnel and the entire surrounding area was being blocked off with crime scene tape to aid in the preservation of any physical evidence. Our team also observed the location of key items of evidence, paying particular attention to the areas where the shooting had taken place. After CCCDAO investigators reviewed the shooting scene, the CCCSO Forensics Division (Crime Lab) was notified and arrived on scene to document their findings and collect evidence.

After walking through the crime scene and reviewing the associated evidence, the CCCDAO investigative team joined the RPD Detectives at the Richmond Police Department. A joint briefing with both agencies was held to give an overview of the incident to ensure everyone with an active role in the investigation had the same information before any further steps were taken in the investigation.

After the briefing, DDA Grove assigned each of the six CCCDAO Senior Inspectors' different investigative tasks. The investigative assignments were as follows:

- Senior Inspector John Conaty – Interview the RPD officers who used force and/or fired their weapons (the actors) at Ciel
- Senior Inspector John Garcia – Interview Sergeant Thomas, Officers Bruce, Campos and Moreno.
- Senior Inspector Sean Eriksen – Interview V-1 and neighbors
- Senior Inspector Eric Solzman – Interview fire and medical personnel
- Senior Inspector Aaron Ross – Notify next of kin
- Senior Inspector Mike McLaughlin- Interview neighbors and CAD printouts and dispatch audio files.

Each Senior Inspector was accompanied by an RPD detective when performing the assigned investigative tasks.

As the investigation progressed, assigned senior inspectors reported their results of their activity to DDA Grove and the leadership team from RPD.

Every RPD officer involved in the incident was interviewed separately and represented by an attorney after having been sequestered⁵.

Prior to interviewing the officers who used force and/or fired their weapons at Ciel, DDA Grove, Senior Inspectors Conaty, Garcia, Ross, Solzman, and Eriksen, and other RPD detectives reviewed the body-worn camera footage of this incident. The involved officers who used force against Ciel did not view the footage from their body-worn cameras prior to being interviewed.

Once the scene was processed and all the interviews were completed, the next steps in the investigation were to await the formal autopsy results, the completion of the crime lab testing, and the Coroner's Inquest hearing.

Overall, the CCCDAO investigation of the RPD shooting death of Ciel was comprehensive, thorough, objective, and independent. In all, seven (7) police officers, seven (7) firefighters/emergency medical personnel, and eighteen (18) civilian witnesses were interviewed; along with one crime scene being processed for evidence at Location #1. This report represents hundreds of hours of investigation conducted by the CCCDAO, RPD, and CCCSO Crime Lab.

Evidence Reviewed

- The crime scene, Location #1 in Richmond, CA
- Dispatch records and logs of the incident
- 9-1-1 audio recordings
- California Department of Justice criminal history information involving Ciel
- Prior police reports involving Ciel
- Body worn camera footage from the officers involved in this incident
- Interviews of all the officers categorized as actors (3), and witnesses (4)
- Interviews of all civilian witnesses associated with this incident (18)
- Interviews of the responding support personnel from RFD and AMR emergency medical personnel (8)
- Autopsy of Ciel, by CCC Sheriff's Coroner's Office (Report Number 2019-1776)
- CCC Forensic Services Division Report
- CCCSO Coroner's Inquest testimony and findings
- Photographs of crime scene, officers, and victims' injuries

⁵ The process where the involved officer(s) are physically separated and isolated from others immediately following a use of force incident and are ordered to not discuss the incident with anyone, except their attorney.

Crime Scene Description

There is one crime scene associated with this incident. Location #1 is a single-story family residence located in the 900 blk Wilson Avenue in the City of Richmond. This residence is a two-bedroom, one bath, 917 square feet dwelling with an attached garage. There are no markings to indicate an address on the front of the residence. There are no markings to indicate an address on the curb in front of the residence. On the day of the incident, there were a brown and blue garbage toter in front of the residence with the address marked in white lettering on the front of the garbage toters. The lack of address markings on the residence made it difficult to find the location in question, which delayed the officer's response to the incident.

The point of entry that Ciel used to gain access into the residence was a broken bedroom window on the southeast corner of the residence (see Figures 2 & 3). Below the kitchen window were two plastic square crates up against the wall, with a white plastic five-gallon bucket turned upside down in between the crates. The crates and bucket appeared to have been staged in a manner to assist Ciel with gaining entry into the residence through the window. The walkway leading up to the southside of the residence was approximately six feet wide. Laying across the walkway below the same window were two pieces of what appeared to be fence boards and a cut tree branch with large, exposed thorns that also appear to have been strategically placed.

The rear of the residence had a raised wooden deck that led to a rear sliding glass door that was opened which led to a bedroom (see Figure 4). Laying on the floor of the deck was a four (4) to five (5) foot wooden pole with a large, bladed knife wrapped in white cloth around the pole with the blade extending upward, like a homemade spear. There was a black glass cutter tool on the ground in front of the rear sliding door. The rear and portions of the side yards of this residence were enclosed by a wooden fence.

The physical evidence indicates that Ciel was armed with two large knives. The first knife, measuring thirteen inches, was discovered near his body (see Figure 5). The second knife, approximately eight inches in length, was clutched in his right hand at the time of the shooting (see Figure 6). There were unused black zip ties located in close proximity to Ciel and several of the same type of zip ties wedged in between his waist and clothing when he encountered officers from RPD (see Figure 7). The same type of zip ties were located in the side yard. There was a homemade spear and a glass cutting tool located near the rear sliding door near the point of entry to the residence (see Figure 8).

The area where this officer involved shooting occurred was toward the rear (east) portion of the residence in the hallway near the doorway of the rear master bedroom and southeast bedroom. There was a wall heater on the north side of the wall in the hallway where Ciel's left leg was There was hardwood floor throughout the area of the hallway and master bedroom.

Figure 1 - Side yard of Location #1



Figure 2 - Point of entry into V-2 and V-3 bedroom



Figure 3 - Interior view of point of entry



Figure 4 - Rear view of Location #1



Crime Scene Evidence Recovery

The evidence at the crime scene located inside and outside of Location #1 was processed by criminalists from the CCCSO Crime Lab. Evidence recovery, scene documentation, and photographs were completed by the Crime Lab.

Five (5) fired cartridges were seized, four (4) .45 caliber and one (1) .40 caliber were located in the rear master bedroom: two on the bed, two on the floor and on items along the closet side of the bed, and one near the sliding glass door.

A homemade wooden spear with a blade of over six inches long and a glass cutting tool were located on the rear wooden deck near the rear sliding glass door (see Figure 8). An empty bag of zip ties were located on the side of the residence near one (1) black unused zip tie.

Inside the residence, in the hallway, where Ciel was contacted were two unused black zip ties on the floor, the same type as located on the side of the residence. One large hunting type knife, a straight blade, approximately thirteen inches in length with a black and orange grip was located next to Ciel's body (see Figure 5). The other knife, located in his hand after the shooting, was double-bladed with a serrated edge measuring approximately eight inches in length. This knife had smeared blood on its blade (see Figure 6).

A receipt dated March 22, 2019, from Walmart, 1400 Hilltop Mall Road, Richmond, for the purchase of thirty-six (36) cable ties, was located in Ciel's vehicle. This is believed to be the receipt for the zip ties, that were located on Ciel's body, and outside the residence.

Ciel's deceased body was lying prone on the floor, partially inside the doorway of the master bedroom and hallway. Ciel's legs were located in hallway and his upper torso were located inside the doorway leading to the master bedroom. His head, neck and right side of his face had blood smeared on them. There was a pool of blood on the floor near his head. He was clothed wearing a black sweatshirt, black pants with a black belt, and a pair of tennis shoes. There were several unused black zip ties wedged in between his belt and pants allowing for easy access. There was an empty green knife sheath attached to his belt.

Based on body worn camera video, crime scene photos, and interviews with the involved officers, the distance between Officer Tyner and Ciel when he (Officer Tyner) fired his weapon was estimated to be approximately ten (10) to thirteen (13) feet.

All evidence was seized and collected by the CCCSO Crime lab for later analysis.

Figure 5 - Knives possessed by Ciel



Figure 6 - Knife used by Ciel at time of police encounter



Figure 7 - Ciel in possession of zip ties at time of encounter



Figure 8 - Homemade wooden spear located on the rear deck



Luc Ciel – Relevant Prior Incidents Involving Richmond Police Department

1. RPD case # 2015-11959: On August 10, 2015, at approximately 12:22 p.m., RPD officers were dispatched to Kaiser Hospital in Richmond, California, regarding a domestic violence victim (V-1) in the emergency room.

V-1 reported, on August 9, 2015, at approximately 2:30 p.m., Ciel arrived home from work and became upset because V-1 was planning on taking her children (V-2 and V-3) to her parents for a visit. Ciel became outraged and kicked the refrigerator and walked out of the kitchen. Ciel returned to the kitchen and told V-1, "Do you believe I will hurt you?" Ciel walked up to V-1, grabbed her neck, and began to strangle her, by placing both hands around her neck. V-1 could not breathe and lost consciousness and woke up on the kitchen floor with Ciel standing in front of her asking questions. V-1 does not remember his questions. V-1 was unable to speak and having difficulty breathing.

Ciel pushed V-1 again, and she believes she lost consciousness a second time. The next thing she remembers is waking up on the kitchen floor and no one was around her. V-1 estimated that Ciel strangled her for a period of fifteen (15) to thirty (30) seconds. When V-1 regained consciousness, she remembers Ciel yelling at her children in the living room. Ciel pulled V-3 into the kitchen and took two knives out of the drawer. Ciel placed the knives a few inches away from V-1's face and asked her if she was teaching their children to be against him. Ciel told her that he was ready to hurt her and go to jail. He said once he gets out of jail, he will hunt her and kill everyone in her family. Both V-2 and V-3 were present during these threats. V-3 feared for V-1's life while Ciel strangled her and ran out of the residence to a neighbor's home to seek help.

Ciel was arrested by RPD officers, and an emergency protective order was issued. V-1 sustained two small scratches on her neck, and a bruise, measuring one inch in diameter on the left side of her ribcage.

Ciel was booked into the Contra Costa County Jail on charges of California Penal Code Sections 664/187-Attempted Murder, 273.5-Spousal Abuse with Injury, 236-False imprisonment, 422-Terrorist Threats, and 417 (A) (1)-Brandishing the Knife.

2. RPD case # 2019-3764: On March 26, 2019, RPD Officers were dispatched to Location # 1 on a report of an unwanted subject. V-1 met RPD officers near Location # 1. V-1 reported that Ciel had been living at the residence since he was released from jail in January 2016. V-1 said she felt sorry for Ciel and picked him up from jail and allowed him to stay at their residence in violation of the current restraining order. Ciel again threatened V-1 by stating if she ever called the police again on him that he would kill her and her family. V-1 feared for her safety and her family and telephoned RPD. Ciel was contacted outside of the residence and arrested without incident. He was charged with California Penal Code Section 273.6 (A), Violating a Court Order to Prevent Domestic Violence.

Factual Summary

The following information is meant to give the reader a detailed understanding of how the events unfolded. The remainder of this summary will be relayed according to a chronological timeline of when the events occurred:

On April 11, 2019, at 2:33 a.m., the Richmond Police Department received a 911 transfer call from CHP dispatch of a home invasion robbery in progress at Location #1.

2:34 a.m., RPD dispatch broadcasted the call to patrol units who were responding to the call for service. While the dispatcher was on the line with the reporting person, the dispatcher could hear noise that indicated there was a physical fight occurring inside the residence.

2:35 a.m., the dispatcher was no longer talking to the reporting party and it was an open line.

2:36 a.m., several RPD units were assigned to this call and were responding from various locations within the City of Richmond.

2:39 a.m., RPD dispatch advised Officer Evans (1L7⁶), that there were four (4) people in the house and the male subject has turned the knife on himself.

2:40 a.m., Officers Tyner (E23), Bruce (1L23), Evans (1L7) and Sergeant Virgil Thomas (S53) arrive at Location #1.

2:40 a.m., RPD dispatch broadcast that Ciel has now armed himself with a second knife.

2:41 a.m., Officer Jackson (1L6) arrived at Location # 1.

2:43 a.m., Officers Tyner and Evans approached the residence on the southside of the residence.

2:45 a.m., Officer Evans broadcasted that there is a broken window to the rear of the residence and requested dispatch to have the occupants exit through the opened window.

2:45 a.m., Officer Evans broadcasted, "I also have conversation back here".

2:46 a.m., Officer Evans broadcasted, "1L7, I have an opened slider request a unit." Note: BWC footage depicts the sound of a female saying "no" repeatedly.

2:47 a.m., Officers Evans and Tyner saw V-1 inside the rear bedroom in front of the opened sliding glass door and yelled for her to come to their location.

2:46 a.m., V-1 exited out of the sliding glass door via the rear bedroom and is crying.

2:46 a.m., Officer Evans yelled out to other officers, "He's got one with a knife," and officers advanced toward the rear sliding door.

2:46 a.m., Officers Tyner and Evans hears a female voice screaming repeatedly "no, no, no" from the rear portion of the residence.

⁶ Each officer was assigned an alphanumeric call sign (e.g., 1L7) that corresponds to their shift and geographical assignment within the City of Richmond.

2:47 a.m., Officer Tyner heard the same female yelling louder and observed the female (V-1) standing in the hallway near the rear bedroom leading to the opened sliding glass door.

2:47 a.m., Officers Tyner and Evans yelled out "come here, come here."

2:47 a.m., V-1 exited out of the rear sliding glass door. Officer Tyner said, "he's gutting one." A male officer can be heard saying, "go, go, go...", as Officer Tyner moved forward toward the rear sliding glass door.

2:47 a.m., Officer Tyner yelled out, "drop it, drop it" to Ciel who was holding a knife in his raised left hand above V-2. Officer Tyner then observed Ciel, who was facing him, make a downward stabbing motion toward V-2 who was on the floor beneath him struggling to break free.

2:47 a.m., V-2 broke free from Ciel. Officer Tyner observed Ciel stand up with the knife in his hand and abruptly advance toward him.

2:47 a.m. Officer Tyner fired three shots at Ciel as he advanced toward him with the knife in his left hand. Officer Evans fired one shot at Ciel from her department issued firearm. Officer Jackson fired one shot at Ciel from his department issued firearm.

2:47 a.m., Officer Tyner broadcasted, "shots fired."

2:47 a.m., Officer Tyner began to clear the residence and directed V-2 and V-3 out of the residence via the front door.

2:48 a.m., Officer Tyner broadcasted that he is coming out of the front of the residence and directed Witness #2 and Witness #3 out of the residence.

2:49 a.m., Officer Tyner returned to the location of Ciel and said, "make sure our camera got that," several times and then said, "let's get that knife out of his hand."

2:49 a.m., Officer Tyner's BWC depicted Officer Evans bending down and removing the knife from Ciel's right hand.

2:49 a.m., Officer Evans removed the knife from Ciel's hand.

2:50 a.m., Officer Tyner began to search Ciel's pockets and removed a flashlight from his front pants pocket.

2:50 a.m., Officer Tyner searched the waistband area and saw several black zip ties wedged in between Ciel's waistband and the belt he was wearing around his pants. Ciel is handcuffed.

2:50 a.m., Officer Tyner said to other officers, "Hey do we have AMR and fire en route."

2:51 a.m., Paramedics arrived on scene and begin treating Ciel.

2:53 a.m., Ciel was pronounced deceased by AMR Paramedic G. Tatum.

3:11 a.m., RPD invoked the LEIFI protocol.

9:00 a.m., Contra Costa County Sheriff's Coroner arrives at Location #1 to take custody of Ciel.

Body-Worn Camera

There is body-worn camera (BWC) footage that captured key portions of the incident⁷. The relevant footage captured officers arriving at Location # 1, approaching the residence, hearing commotion from within and contacting V-1 in the rear of the residence.

The relevant portion of the body-worn camera (BWC) footage depicts the following information:

- 02:46:48-Officer Tyner heard a female voice screaming repeatedly “no, no, no” from the rear portion of the residence.
- 02:47:17- Officer Tyner heard the same female yelling louder and observed the female (V-1) standing in the hallway near the rear bedroom leading the opened sliding glass door.
- 02:47:22-Officer Tyner and Evans yelled out “come here, come here”.
- 02:47:26-V-1 exited out of the rear sliding glass door.
- 02:47:28-Officer Tyner said, “he’s gutting one.”
- 02:47:33-Sounds of voices saying, “go, go, go...” as Officer Tyner moves forward toward the rear sliding glass door.
- 02:47:33-Officer Tyner yelled out, “drop it, drop it” Officer Tyner observes Ciel facing him with a knife in his left hand and in a downward stabbing motion toward Witness 2 who was on the floor.
- 02:47:36-V-2 broke free from Ciel
- 02:47:37-Officer Tyner observed Ciel stand up with the knife in his hand and abruptly advanced toward him.
- 02:47:38-Officer Tyner fired two shots at Ciel as he is advancing on him with the knife in his hand.
- 02:47:38-Officer Evans fired one shot at Ciel from her department issued firearm. The knife in Ciel’s left hand is seen falling to the floor at the time of him being shot.
- 02:47:40-Officer Tyner fired a third shot at Ciel.
- 02:47:41-Officer Jackson fired one shot at Ciel from his department issued firearm.
- 02:47:44-Officer Tyner broadcasted “shots fired.”
- 02:47:52-Officer Tyner began to clear the residence and directed Witness 2 and V-3 out of the residence via the front door.
- 02:48:03-Officer Tyner broadcasted he is coming out of the front of the residence and directs V-2 and V-3 out of the residence.
- 02:49:13-Officer Tyner returned to the location of Ciel and says, “make sure our camera got that,” several times and then says, “let’s get that knife out of his hand.”
- 02:49:36-Officer Tyner BWC depicted Officer Evan bending down and removing the knife from Ciel.
- 02:49:32-Officer Evans removed the knife from Ciel’s hand.

⁷ The original records are retained by RPD. Contact RPD for requests related to those records.

Figure 9 - Ciel with raised knife in hallway



Figure 12 - Ciel clutching the knife



Interviews of Involved Officers

There were three law enforcement officers involved in this incident. Of that number, three used force against Ciel and are considered actors⁸. This report will detail the interviews⁹ of all the actors, or those who witnessed a key portion of this incident and can help provide a more complete picture of what occurred¹⁰.

During the course of the criminal investigation, an officer has the right to be represented by an attorney. The officer may choose to provide a statement, physical evidence, and other relevant information. It's important to note that, neither an officer or civilian can be compelled to provide a statement or any other evidence in a criminal investigation. An officer can only be compelled to provide a statement or other relevant information during an internal administrative investigation by the officer's employer¹¹. In this investigation, all the involved officers provided voluntary statements to the CCCDAO and RPD with their attorney present. Each police officer was interviewed separately from the others within hours of the incident and after being subject to sequestration. It is important to note, that none of the involved officers viewed their body worn camera video footage prior to being interviewed.

⁸ Actors-Law enforcement personnel whose conduct was actually or conceivably a factor in the fatality (CCC Protocol, pg. 14).

⁹ The authors of this report did not participate in the interviews of the involved officers.

¹⁰ The interviews will describe the incident from the perspective of the involved officers, victims, and witnesses. There may be information, statements, or recollections of events that are inaccurate or inconsistent with the facts of this incident as they are currently understood. The information is being listed in the manner in which it was relayed to the investigators during the interviews.

¹¹ Public Safety Officers Procedural Bill of Rights Act, Government Code 3300 et seq.

Officer Jeffrey Tyner

Officer Jeffrey Tyner was interviewed on April 11, 2019, at approximately 12:30 pm, by Senior Inspector John Conaty and RPD Detective Jose Villalobos. Officer Tyner's legal representative, Julia Fox, was present for the interview along with Deputy District Attorney (DDA) Barry Grove.

The following is a summary of the relevant portions of Officer Tyner's interview:

Officer Tyner has worked for the Richmond Police Department for approximately 26 years. He is a patrol officer and Crime Scene Investigator. He works uniform patrol on the graveyard shift, working from 7:30 pm to 7:00 am. Officer Tyner has prior experience as a Field Training Officer (FTO), School Resource Officer (SRO), and the Mobile Field Force (MFF) Program with Contra Costa County law enforcement agencies.

On April 11, 2019, Officer Tyner was working as a graveyard patrol officer, in full uniform and driving a marked SUV patrol vehicle. At approximately 2:36 am, Officer Tyner was dispatched to cover Officer Evans on a family disturbance call at Location #1. While en route to the call, it was updated to a burglary in progress. The details were that Ciel, the estranged husband of one of the occupants and father of the children inside the residence entered through a window and was inside, not allowing family members to leave.

Officer Tyner arrived on scene along with other officers (Officers Jackson, Evans and Sergeant Thomas) and began to tactically set up on the residence. Officers Tyner and Evans walked along the southside of the residence moving to the rear of the house. Officer Tyner observed a door with a window midway down the southside of the residence. It had a metal security grate on it and was closed. He could not see into the window as no lights were on.

Officer Tyner located a window near the rear of the residence and saw the drapes moving as if someone had walked past the window. Officer Evans reached the rear of the residence and advised Officer Tyner she discovered a broken window to the rear of the residence. Officer Tyner reached her location and noticed an elevated wooden patio deck on the rear southeast side. Officer Tyner could hear sounds coming from within the residence.

Officer Tyner and Officer Evans now positioned at the rear of the residence, observed an opened sliding glass door and could hear a male voice making grunting sounds, and a female saying, "no, no, no!" Officer Tyner described the noises consistent with a woman being sexually assaulted. Officer Tyner and Officer Evans advanced up the rear steps of the patio close to the open sliding glass door and now could see a female standing in the room with blood on her face and her hair disheveled. Officer Evans and Tyner yelled for the female to exit the sliding glass door which she eventually did and was directed away.

Officer Tyner entered through the opened sliding glass door and immediately saw a male (Ciel) on the ground crouching over what he thought was two girls underneath Ciel. Officer Tyner gave verbal commands to Ciel, to let them go. Officer Tyner reached for one of the girls and she was

able to break free from Ciel. Officer Tyner observed Ciel beginning to stand up and noticed he had a large knife in his left hand. He described the knife as a hunting style knife with an estimated twelve-inch blade. Officer Tyner saw Ciel making downward stabbing motions in front of him and realized there was a “female” laying down in front of Ciel in the path of the stabbing motion. Officer Tyner trained his firearm on Ciel, fearing that he was actively stabbing the “female” but, the “female” was in his line of sight and could not fire his weapon safely.

Officer Tyner observed the “female” break free from Ciel’s grasp as he was raising the knife. Simultaneously, Ciel had the knife in his hand, and Officer Tyner fearing he was going to stab “her” fired his duty weapon what he believed to be three times at Ciel. Officer Tyner heard other shots fired by other officers who were to his rear and left. Officer Tyner was the closest officer to Ciel and saw Ciel fall to the ground while still clutching the knife.

Officer Tyner announced to other officers to make sure they took footage of Ciel with the knife still in his hands with their body worn cameras. Officer Tyner checked Ciel and rolled him over and noticed that Ciel had several zip ties wedged into his waistband.

Note: V-3 is a male, but wore his hair long, past his shoulders. Officer Tyner did not realize that the “female” was a male until after the officers cleared the scene and led the children out of the house.)

Officer Danielle Evans

Officer Evans was interviewed on April 11, 2019, at 1:13 pm, by Sr. Inspector Conaty and Richmond Police Department Detective Jose Villalobos. Officer Evans legal representative, Jonathan Murphy, was present for the interview along with DDA Barry Grove.

The following information is a summary of the relevant portions of Officer Evans interview:

Officer Evans had been with the Richmond Police Department for approximately 10 years. She is a uniform patrol officer, assigned to the graveyard shift, working 7:30 p.m. to 7:00 a.m. During her career, she has been assigned as a Patrol Officer, School Resource Officer, Bicycle Unit Officer, and a Traffic Officer. Officer Evans has a Bachelor of Science Degree from Saint Mary’s College in Moraga, CA and had attended the Contra Costa County Sheriff’s Academy.

On April 11, 2019, at approximately 2:30 a.m., Officer Evans was dispatched to a call of a Domestic Violence incident at Location #1, involving a male who had been threatening his family with a knife and possibly one person had been stabbed. Officer Evans responded to this call with several other RPD officers. As officers arrived, they initially could not find the address as there were no markings on the residence or curb to indicate the location. Dispatch broadcast over the radio the residence description and vehicle description of a vehicle parked in the driveway of the correct address. With the additional information provided by dispatch, they were able to locate the residence.

Officers Evans arrived and was aware that other officers had arrived, and additional officers were

responding. Officer Evans and Officer Tyner approached the residence on the southside toward the rear of the residence while Officer Bruce and other RPD officers were approaching from the northside toward the rear (east).

Officer Evans observed two windows on the southside of the location and noticed that the light was on inside, they could not hear anything at that moment. Once Officer Evans reached the southeast corner of the residence, she saw a broken bedroom window facing into the rear yard. Officer Evans now began hearing voices coming from within the residence. Officer Evans was unable to distinguish if they were male or female voices and if anyone was in distress. Officer Evans located a raised wooden patio deck on the rear of the yard and an opened sliding glass door which led into a bedroom.

Officer Evans and Officer Tyner advanced forward toward the deck area up a set of stairs that led to the landing. Officer Tyner and Officer Evans could now see a person inside the room where the sliding glass door led. Officer Evans could see V-1 was facing forward near another doorway with their back toward Officer Tyner and her. Officer Evans could hear a female voice moaning the word "no" repeatedly. Officer Evans saw the person toward the sliding glass door and could tell it was a female (V-1).

Officer Evans called out for the V-1 to walk out to her location and she complied. Officer Evans could see the female had what appeared to be blood on her face and saw two more persons just outside the room where V-1 was exiting. Officer Evans saw a male adult and a child in the hallway near the rear bedroom. The male (Ciel) was armed with a large knife. Officer Evans observed Ciel and the child struggling with one another flailing against the interior hallway walls.

Officer Tyner who was with her, moved passed her and approached the opened sliding glass door. As Officer Tyner passed her, he shouted, "He is cutting her," while entering the rear bedroom with Officer Evans behind him. Officer Evans heard two shots as she was behind Officer Tyner and moving to his side as she heard a third shot. Officer Evans now to the side of Officer Tyner saw Ciel still armed with a large knife, Ciel said "fuck you" while getting up and turning toward her and Officer Tyner. She feared for her life and the occupants in the residence and fired one shot at Ciel and he immediately fell to the ground. Officer Evans heard another shot being fired but at the time did not know who fired that round.

Officer Evans recalls hearing Officer Tyner broadcast over the police radio that shots have been fired, alerting everyone that there was a shooting inside the residence. Immediately following, several RPD officers came to their aid to assist. Officer Evans recalled Officer Bruce and Officer Jackson inside the residence during the shots being fired but did not know at that time who had discharged their weapon.

Note: There were other officers outside at different strategic locations around the residence.

Officer Evans observed Ciel on the ground in a prone position. She saw that he was still clutching the same military style knife. She described the knife as twelve to fourteen inches in length.

Once the residence was deemed safe, and the interior was cleared of any other officer safety threats, Officer Evans returned to Ciel's body. She put on latex gloves and retrieved the knife from Ciel's right hand for officer safety reasons. Officer Evans removed the knife from Ciel's hand and placed it on the floor, awaiting the arrival of the crime lab to seize it. As Officer Evans was doing this, she noticed another knife on the floor next to Ciel's body. She described this knife as similar to the one he had in his hand.

Officer Terrance Jackson

Officer Jackson was interviewed on April 11, 2019, at 2:18 p.m., by Sr. Inspector Conaty, RPD, Detective Jose Villalobos. Officer Jackson's legal representative, Jonathan Murphy, was present for the interview along with DDA Barry Grove.

The following is a summary of the relevant portions of Officer Jackson's interview:

Officer Jackson has worked with the Richmond Police Department for twenty years. He is currently assigned as a patrol officer, working the graveyard shift, 7:30 p.m. to 7:00 a.m. Officer Jackson has expertise as a School Resource Officer (SRO) and a member of the Street Enforcement Team (SET).

On April 11, 2019, Officer Jackson was working as a graveyard patrol officer in full uniform and driving a marked patrol vehicle. At 2:38 a.m., Officer Jackson was dispatched to cover Officer Evans on a call of an in-progress home invasion robbery. Officer Jackson was on another call for service and cleared his call and responded. Officer Jackson heard over the police radio that the "father" had broken into the residence and had been attempting to stab his family and himself.

Officer Jackson arrived and parked one block south of Location #1. Officer Evans and Officer Campos had already arrived. Officer Jackson met with Sergeant Thomas in front of the residence as Sergeant Thomas was conducting a tactical briefing and assigning officers with specific tasks. Officer Jackson recalls Officer Campos being tasked with remaining in the front of the residence. Officer Campos was assigned this task because he is a member of the Crisis Negotiation Team (CNT).

Officer Jackson and Officer Moreno were instructed to enter the rear of the residence via the northside of the structure. Officer Jackson followed Officer Moreno. Both utilized their flashlights to illuminate the pathway, leading to the rear yard. As Officers Moreno and Jackson were nearing the rear yard, they heard a commotion of screaming and yelling from within the residence. Officers Jackson and Moreno picked up their pace to get to the rear yard where they could address the problem.

Officer Jackson reached the rear stairs leading to a raised wooden deck. He was now joined with Officers Tyner, Evans, and Bruce. Officer Jackson heard screaming from within the residence and Officer Tyner clearly with an excited voice say, "he's gutting her!" Officer Jackson's first thoughts were that "he's killing her, he's about to kill her," and "we need to get in there."

Officer Jackson followed Officer Evans and Officer Tyner into the residence and immediately heard shots fired. Officer Jackson was to the right of Officer Tyner and saw the suspect on the ground with the knife still in his hand. Officer Jackson upon entering the rear portion of the residence, heard screaming, yelling, and general commotion when shots were fired. Officer Jackson felt that the victim who was getting stabbed may be in close proximity to Ciel, possibly on the other side of the bed in striking distance of him. Officer Jackson also processed in his mind that Ciel was playing “possum” by not moving and holding the knife in his hands waiting for the opportunity to harm the officers or victims’. Officer Jackson fired one shot at Ciel to eliminate the threat of any officers or victims being harmed and immediately heard Officer Tyner yell out, “hold your fire.” Officer Jackson’s mindset was that Ciel was “playing possum” with the knife in his hand and knows from his training and experience that this scenario is plausible and did not know the capabilities of Ciel, armed with a knife.

Officer Jackson had no knowledge of Ciel, never had been to this location and based on the close proximity of the events taking place, believing the victim and officers lives were in danger, he chose to fire his duty weapon. Officer Jackson emphasized that he was not sure of Ciel’s training and expertise of throwing knives, knowing that it could cause injury or death to his fellow officers or his own family members.

After the shooting, Officer Jackson recalls Officer Tyner pat searching Ciel’s pockets, waistband, and ankles for additional weapons. Officer Jackson immediately began clearing the residence for more victims or other threats. Officer Jackson recalls seeing Officer Evans removing the knife from Ciel’s hand.

Officer Jackson described the knife as a “Rambo style knife.” Officer Jackson assisted with getting the occupants out of the residence and requesting more ambulances as several family members had been stabbed.

Interviews of Victims

Victim #1

V-1 is the estranged wife of Ciel. She has been married to him since 2003. Between 2003 and 2015, Ciel’s violent behavior had worsened. On two occasions, Ciel had threatened to commit suicide. He would brandish a knife at V-1 when she would not submit to his demands. Ciel would respond to V-1’s refusals by threatening to kill himself.

V-1 first reported being a victim of domestic violence to the Richmond Police Department in 2015, which led to her getting a restraining order that was valid at the time of the incident. V-1 stated Ciel had been living at Location #1 since the 2015 incident and in violation of the existing restraining order until two weeks prior to this incident.

V-1 had refused to share a bed with Ciel and had been sleeping on the couch in the living room. V-1 had called the police two weeks ago and Ciel was arrested.

Following his arrest, Ciel no longer had keys to the residence. Ciel had told V-1 if she ever called the police on him, and if he got arrested, when he got out of jail he would return and kill her along with her entire family.

On April 11, 2019, V-1 was sleeping on the living room couch when she heard a noise coming from V-3's bedroom. V-1 rushed to that bedroom and saw that the bedroom window had been shattered and her estranged husband (Ciel) was climbing through the window armed with a knife in his hand.

V-1 knew from previous threats that Ciel had threatened to kill her and her family and at that moment she felt he was there to carry out those threats. V-1 grabbed the knife from Ciel to prevent him from stabbing her. V-3 came to help her, and they both tried to take the knife away from him. V-1 yelled for V-2 and V-3 to call the police. Realizing that the police were called, and they were responding, Ciel stopped actively trying to stab her and told her, "I'll let you live but now I want to die."

Ciel went to the kitchen and returned with a large knife he retrieved and began trying to cut his throat. V-1 felt that Ciel was not succeeding as she did not see him bleeding. V-1 ran to the rear sliding glass door and opened it so her children (V-2 and V-3) could escape. As she opened the sliding glass door, she saw uniformed Richmond Police Officers in her rear yard. V-1 exited out of the residence via the sliding glass door as uniformed officers entered the residence. V-1 then heard approximately five shots and remained outside of the residence. V-1 did not witness the shooting.

V-1 sustained lacerations to her palms, fingers, and the backsides of her hands consistent with her holding onto the knife to prevent him from stabbing her. V-1 related that she held onto the knife at times with both hands. V-1 described the knife as approximately twelve inches in length with a serrated edge. V-1 also sustained lacerations to her head which required sutures. V-1 had small lacerations to her chin and face.

V-1 was later transported via ambulance to the hospital for treatment of her injuries.

Victim #2

V-2 said, on April 10, 2019, between 1:00 a.m. and 2:00 a.m., she was awoken by loud banging on the exterior walls of their residence. V-2 said the banging stopped as the sound came closer to her bedroom. During that time, V-1 entered her bedroom to inquire about the noise. V-1 approached her bedroom window and began yelling, "stop." The bedroom window shattered, and Ciel climbed through the window and entered the bedroom. V-2, feared for their lives, and thought she would get killed.

V-1 and V-2 began screaming and yelling as Ciel pushed V-1 on to the bed, got on top of her, armed with a black hunting type knife in his right hand and acted as if he was going to stab V-1. V-2 described the knife as having a curved blade, with a serrated edge. W- 3

entered the room and started hitting Ciel to prevent him from stabbing V-1. V-2, at this time called 911, fearing Ciel would attempt to stab her in retaliation for her calling the police.

After a brief struggle, V-1 was able to break free, but Ciel grabbed her again and threw her to the ground, placing the knife to V-1's throat. V-2 grabbed Ciel's hand and began pulling on it to prevent V-1 from getting stabbed. In doing so, Ciel bit V-2's left hand and forearm. W- 3 was also intervening and trying to grab Ciel when Ciel stated, "if you let me go, I will let you live".

Everyone let go of Ciel and he sat on the bed and stated, "you have already killed me". Ciel attempted to cut his throat with the knife, but the blade was too dull and had no effect. Ciel then attempted to stab himself in the stomach, but again had no effect.

Ciel left the room several times and entered the kitchen to try and locate a sharper knife with V-3 following him every time. V-3 stated the last time Ciel left the kitchen and entered the hallway, the police had arrived. V-2 stated that while in the hallway Ciel tried to stab V-3, but he was able to move around, avoiding getting cut. Ciel was yelling at the officers when V-3 broke free and Ciel walked towards the officers armed with the knife. V-2, re-entered a bedroom near the kitchen, closed the door, fearing Ciel would come after her. At the same time, she heard police yelling and heard shots fired. Once the shooting stopped, V-2 was contacted by a uniformed officer and escorted out of the residence. V-2 stated that the police identified themselves by saying, "Richmond Police."

V-2 stated in the past, Ciel would tell the family the reason he hasn't killed them was because he loves them and when he stops loving them, he would kill them and himself. V-3 recalled a conversation with Ciel where he told her if he wanted to kill her he would have done it already.

V-2 sustained scratches, cuts, and red marks to her left wrist and hand. V-2 was later transported via ambulance to the hospital for treatment of her injuries.

Victim #3

On April 11, 2019, at approximately 12:00 a.m., V-3 heard a loud banging noise coming from the exterior wall, southside of the residence. The banging continued and became increasingly louder. V-3, fearing for he and his family's safety called 911. V-3 was initially told by the 911 operator that they do not respond to calls of this nature. While on phone with 911 operator, V-3 heard glass shattering from his bedroom, and thought his bedroom window had been broken.

V-3 ran back to his bedroom, hearing both V-1 and V-2 screaming. V-3 reached his bedroom to find his father on top of V-1 as she was on her back and Ciel was restraining her. V-3 immediately tried to push Ciel off V-1. V-3 saw a black object in Ciel's hand but couldn't tell what it was as the room was dark. V-3 was able to push Ciel off V-1 to the point where she was able to break free. Ciel began swinging the black object, later determined to be a large knife at him. Ciel punched V-3 multiple times. V-3 was able to grab Ciel to restrain him at the same time V-1 came to his aid and both tried to restrain Ciel. Simultaneously, V-2 ran out of the bedroom and called the police. V-3 was unable to restrain Ciel and he broke free from their grasp.

Ciel immediately forced V-1 on the ground again with the knife still in his hand. V-3 pushed Ciel off V-1, causing Ciel to turn toward V-3 and begun swinging the knife in his direction. Ciel made contact with V-3's shoulder. V-3 felt that the object was sharp and realized it was a knife. V-3 described the knife used in hiking or combat. V-3 estimated the blade of the knife to be approximately eight inches in length. V-3 felt the knife must be dull as he was trying hard to stab them, but no one was bleeding.

Ciel now began trying to cut his throat on five separate occasions but failed as they did not see him bleeding and felt the blade was dull. Ciel realizing the knife was not sharp enough to cut his throat, left the bedroom, walked to the kitchen, grabbed a "meat cleaver" and began attempting to cut his throat again, but was once again unsuccessful.

Ciel attempted to stab himself several more times by going back and forth between the kitchen and bedroom with V-3 following him. While in the bedroom, Ciel lifted his shirt and tried to stab himself in the stomach but was unsuccessful. While in the living room with Ciel, V-3 could hear voices and footsteps outside the residence. He believed this was the police.

V-3 returned to the hallway with Ciel near the rear master bedroom and was shoved up against the wall by him. V-3 could see the police to the rear of the residence. V-3 fell to the ground as Ciel was standing over him attempting to stab him in the head multiple times with the knife. V-3 was able to "dodge" the knife by moving his head and using his arm to deflect the stabbing motion. V-3 was able to break free for a moment as Ciel walked toward the officers with the knife in his hands, yelling, "fuck you" at them and making threats. V-3 was unable to remember exactly what Ciel was saying but it was clear that he was threatening the officers. V-3 immediately heard the officers discharge their firearms at Ciel, causing him to fall to the ground.

V-3 was immediately escorted out of the residence by officers and treated for his injuries. V-3 sustained a laceration to his left eye and left temple area which required stitches. V-3 received a laceration to his left hand and multiple lacerations and abrasions to both of his knuckles and hands.

V-3 recalled an incident in 2015, where Ciel got upset with V-1 for wanting to take her children to her parents' home to visit. Ciel became so upset that he violently kicked the refrigerator and V-3 felt his father was going to "snap" as he had never witnessed this type of behavior by him. V-3 was afraid and went to sit down in the living room. V-3 could still hear Ciel yelling at V-1. V-3 heard a loud commotion in the kitchen and felt V-1 had been assaulted by Ciel so he ran outside to seek help from a neighbor. V-3 attempted contact at a neighbor's residence, but no one was home. Ciel went outside the residence, grabbed V-3 and carried him back into the residence. Once inside the home, Ciel assaulted V-3. V-3 would not elaborate on the incident and would not provide specific details.

V-3 said that Ciel felt his children and V-1 did not love him, therefore Ciel would make threats to kill her (V-1) and her family. V-3 described Ciel's demeanor as unpredictable and if provoked had the propensity to harm his family.

Note: Several neighbors in the area had been contacted by the investigative team and said they had heard yelling from the area and shots fired, but no other relevant information.

Autopsy

Ciel was pronounced dead on April 11, 2019, at 2:53 a.m., by AMR Paramedic Tatum at Location # 1.

Dr. Ikechi Ogan (Forensic Pathologist) performed an autopsy on Ciel's remains on April 12, 2019, at approximately 8:50 a.m., at the Contra Costa Sheriff's Coroner's Office. In summary, the autopsy findings are as follows:

There are two patterns of injury present consisting of sharp force injuries (incised and stab wounds) and gunshot wounds. The gunshot wounds are described without regard to sequence of occurrence. The labeling is strictly for descriptive purposes.

A. SHARP FORCE INJURIES:

- There were multiple (6 to 8) incised wounds of the neck. These shallow incised wounds are located around the neck from the chin to the root of the neck. They range from 2 inches to 6 inches, but are shallow, penetrating only the skin and subcutaneous tissues. The wounds are visible on the front and sides of the neck, and none were observed on the back of the neck.

These shallow incised wounds are consistent with "hesitation" marks as described by Dr. Ogan.

- The left side of the chest also shows multiple (at least six) shallow puncture wounds consistent with hesitation stab wounds. These range in length on the chest from a 1/4 inch to 1 and 1/2 inches. Some are curvilinear. There was no penetration into the chest or visceral damage.
- **Stab Wound # 1:** There was a single stab wound located on the upper right quadrant of the abdomen. This diagonally oriented stab wound measures 3/4 to 1 inch on the skin by 1/16 thickness. A blunt end was on the end of the decedent's right side while the incised edge is toward the left of the decedent's body. The stab wound penetrated the skin underlying subcutaneous and fatty tissues, but the wound did not enter the chest or abdomen. Injury was limited to soft tissue only.

B. GUN SHOT WOUNDS:

There are multiple (4) gunshot wounds on the decedent. None of the wounds show any evidence of close-range firing on the skin. Multiple projectiles were recovered from various parts of the body. The recovered projectiles were given to the investigating officers. The wounds were labelled without regard to sequence of occurrence.

- **Gunshot Wound # 1** – There was a gunshot on the right side of the back of the neck. This entrance gunshot wound (GSW) was located 6 inches below the top of the head and 2 inches to the right of the posterior midline. The wound measures 1/2 inch in diameter and was surrounded by a concentric abrasion collar. The wound continued into the soft tissues of the neck then crossed the midline by fracturing the second and third cervical vertebrae, perforated the left sternocleidomastoid muscle prior to terminating just beneath the left side of the neck. There was infiltrating hemorrhage and tissue damage along the wound path and the injuries were as described above. The concussive wave of the projectile caused multiple oval to linear fractures of the skull base. A large caliber deformed, and jacketed projectile was recovered from just beneath the skin on the left side of the neck and was given to investigating officers.
- **Gunshot Wound # 2-** There was a gunshot wound on the outer left arm. The entrance was located 6 inches below the shoulder in the mid lateral aspect. The wound measured 1/2-inch in diameter and was surrounded by a concentric collar. The path of the projectile fractured the humerus and perforated the triceps and bicep muscle, before terminating at an exit wound located on the inner aspect of the arm. No projectile was recovered from this injury.
- **Gunshot # 3-** There was a gunshot wound on the left shoulder. The entrance of the GSW was located 11 inches below the top of the head and 5 inches to the left of the posterior midline. The wound measured 3/4 inch in diameter and was surrounded by an eccentric abrasion collar on the lower half of the wound (3:00 to 9:00 o'clock positions). The wound path continued into the chest by fracturing the posterior left fifth through seventh ribs, then perforating the left lung, diaphragm and entered the abdomen. The projectile perforated the spleen, mesentery, upper pole of the left kidney prior to separating into two pieces (jacket and the lead core). The wound terminated within the left iliopsoas muscle where both projectiles were recovered. Both projectiles were turned over to the attending criminalist.
- **Gunshot # 4-** There a gunshot wound to the right shoulder. The entrance of the gunshot wound was located 10 inches below the top of the head and 5 inches to the right of the posterior midline. The wound measured 1/2 inch in diameter and was surrounded by a concentric abrasion collar. The GSW path continued into the chest by fracturing the right third and fourth ribs. The projectile perforated the upper and lower lobes of the right lung, fractured the right anterior fifth and sixth ribs as it exited the chest. The wound path terminated just beneath the skin on the right chest from where a large

caliber jacketed, and deformed projectile was recovered. The direction of the injury was back to front and sharply downward when the body was viewed in the usual position. The recovered projectile was turned over to the attending criminalist.

- Toxicology – Vitreous humor, urine and peripheral and cavity blood was obtained. Urine screen during autopsy was negative for drugs of abuse. The blood toxicology was negative for the presence of any drugs or alcohol.
- **CAUSE OF DEATH: Multiple (four) gunshot wounds.**

FINDINGS

The CCCDAO investigation determined the following key factual findings:

- On April 11, 2019, at 2:33 am, CHP Dispatch Center received a 911 call regarding a home invasion robbery in progress at Location # 1. CHP transferred the call to RPD dispatch.
- Ciel forced entry into Location #1, via a bedroom window near the rear of the residence. He was armed with two knives and numerous unused zip ties.
- Ciel confronted V-1, grabbed and pushed her on to the bed and attempted to stab her several times. V-2 and V-3 intervene by grabbing Ciel, in an attempt to prevent him from stabbing V-1.
- RPD officers arrived at Location # 1 and heard yelling and screaming coming from within the interior of the residence.
- Officers Tyner and Evans observed V-1 inside the residence from the rear yard and noticed blood on her face and that she appeared to be in distress. V-1 is ordered out of the residence via the rear sliding glass door.
- Officers Tyner and Evans advanced forward via a raised wooden deck in the rear yard. They observed Ciel in the hallway, just outside the master bedroom, standing over V-3 with a knife in his left hand, and that same hand moving in a downward stabbing motion.
- Officer Tyner ordered Ciel to drop the knife, but he (Ciel) continued his attempts to stab V-3.
- V-3 was able to wrestle away from Ciel's physical control. Ciel, still armed with the knife, turned towards Officers Tyner, Evans, and Jackson, who were in close proximity, and yelled obscenities while advancing towards them. Fearing for their lives, as well as the lives of V-1, V-2, and V-3, all three officers fired their duty handguns at Ciel. Officer Tyner fired his duty handgun (3) three times, Officer Evans fired her duty handgun (1) one time, and Officer T. Jackson fired his duty handgun (1) one time.
- Ciel was pronounced deceased at the scene by emergency medical personnel.
- The Coroner's Inquest jury deemed the manner and cause of Ciel's death to be, "suicide."

APPLICABLE LEGAL STANDARDS

The sole question to be decided by the CCCDAO is whether Officers Tyner, Evans, and Jackson violated any criminal laws. Whether an officer is criminally liable depends on the facts of the case and whether those facts constitute a crime under the applicable laws.

The California District Attorneys Association Uniform Crime Charging Standards Manual directs that criminal charges shall not be brought unless the prosecutor, based upon a complete investigation and thorough consideration of all the pertinent information readily available to him or her, believes there is evidence that proves beyond a reasonable doubt, that the accused is guilty of the crime to be charged. Additionally, the charging standards direct that there must be legally sufficient admissible evidence to prove each element of the crime. The admissible evidence must be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after the fact finder has heard all the evidence and after considering the most plausible, reasonable, and foreseeable defenses that could be raised under the evidence.

The applicable California Penal Code Sections are as follows:

Section 187: Murder is the unlawful killing of a human being or fetus with malice aforethought.

Section 188: Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a human being. It is implied when the killing resulted from an intentional act, the natural consequences of the act are dangerous to human life, and the act was deliberately done with knowledge of the danger to and with conscious disregard for human life.

Section 192: Manslaughter is the unlawful killing of a human being without malice.

Section 196: Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either –

1. In obedience to any judgement of a competent Court; or
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or
3. When necessarily committed when retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with a felony, and who are fleeing from justice or resisting arrest.

Section 197: Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends or endeavors, in a violent, riotous or tumultuous

manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,

3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

Section 199: The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

Any killing of a human being at the hands of another is a homicide. A homicide may be criminal or justifiable depending upon the circumstances. It is justifiable if done while resisting a violent felony or in self-defense or in defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he or she actually and reasonably believed that he or she or another was in imminent danger of great bodily injury or death. (See *People v. Williams* (1977) 75 Cal. App. 3rd 731.) In protecting oneself or another, a person may use all force which he or she believes reasonably necessary, and which would appear to a reasonable person, in similar circumstances, to be necessary to prevent the injury, which appears imminent. (See California Criminal Jury Instruction CALCRIM 505) In order to justify killing another person in self-defense or in the defense of another, actual danger of death or great bodily injury is not necessary. (CALCRIM 505.)

Pursuant to CALCRIM 505:

A homicide is justifiable and not unlawful when committed by a person who:

1. Reasonably believed he or she or someone else was in imminent danger of being killed or suffering great bodily injury,
2. Reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and
3. Used no more force than was reasonably necessary to defend against that danger.

Pursuant to CALCRIM 507:

A homicide by a peace officer is justifiable and not unlawful when:

1. The killing was committed while overcoming actual resistance to some legal process or while performing any other legal duty
2. The killing was necessary to accomplish one of those legal purposes; and

3. The officer had probable cause to believe that someone posed a threat of death or serious bodily harm, either to the officer or to others.

Probable cause exists to believe that someone poses a threat of death or serious bodily harm when facts known to the person would persuade someone of reasonable caution that the other person is going to cause death or serious bodily harm to another. (CALCRIM 507.)

The People have the burden of proving beyond a reasonable doubt that the killing was not justified. (CALCRIM 505 and 507.) It is not a criminal defendant's burden to prove that force was necessary or reasonable. The People must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others. Absent direct evidence that an officer did not actually or reasonably believe in the need for force, circumstantial evidence must be used. If two reasonable conclusions can be drawn from circumstantial evidence, however, and one of those reasonable conclusions points to innocence, jurors are instructed that they must accept the one that points to innocence. (CALCRIM 224.)

The United States Supreme Court has held that a police officer's use of force should be analyzed under the reasonableness standard of the Fourth Amendment to the United States Constitution. The Supreme Court stated, "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . the calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 US 386, 396-397.

If the killing was not justifiable as outlined above, or excusable as in an accidental killing, only then would it be criminal. Moreover, if an act is committed by reason of a mistake of fact which disproves any criminal intent, it is not a crime. Therefore, a person is not guilty of a crime if he or she commits an act under an actual belief in the existence of certain facts and circumstances which, if true, would make the act lawful. (See CALCRIM 3406.)

In the present case, the forensic pathologist determined the cause of death for Ciel was multiple gunshot wounds.

To establish criminal liability, the evidence must show beyond a reasonable doubt that Officer's Tyner, Evans, and Jackson killed Ciel and that they did not reasonably believe that they or another person was in imminent danger of great bodily injury or death.

LEGAL ANALYSIS & CONCLUSION

The CCCDAO independently conducted a thorough investigation and reviewed all of the facts and circumstances that led to the death of Luc Ciel.

At the time of this incident, Penal Code section 835a provided that a law enforcement officer who had reasonable cause to make an arrest could use “reasonable force to effect the arrest, to prevent escape[,] or to overcome resistance,” and needed “not to retreat or desist from his [or her] efforts by reason of the resistance or threatened resistance of the person being arrested.”

Penal Code sections 196 and 197 hold that a killing done by a police officer is justified, and therefore not unlawful, where the killing is committed while performing a legal duty, and where the officer has probable cause to believe that the decedent posed a threat of death or serious bodily harm to the officer or to others.

Further, a homicide is justifiable and not unlawful when a person reasonably believes that (s)he (or someone else) is in imminent danger of being killed or suffering great bodily injury, and that (s)he reasonably believes that the immediate use of deadly force is necessary to defend against the danger, and that no more force than is reasonably necessary is used to defend against that danger. Probable cause to believe that someone poses a threat of death or serious bodily harm to another exists where “facts known to the person would persuade someone of reasonable caution that the other person is going to cause death or serious bodily harm to another.” (See CALCRIM 507: Justifiable Homicide by Public Officer)

The California Supreme Court recognizes that police officers have a duty to act reasonably when using “deadly force.” *Hayes v. County of San Diego* (2013) 57 Cal.4th 622. “[A]s long as an officer’s conduct falls within the range of conduct that is reasonable under the circumstances, there is no requirement that he or she choose the ‘most reasonable’ action or the conduct that is the least likely to cause harm and at the same time the most likely to result in the successful apprehension of a violent suspect, in order to avoid liability....” [Citation] *Hayes, supra*, at p. 632.

Courts acknowledge that officers often have mere seconds to make judgment calls when determining whether deadly force is necessary. “The standard for evaluating the unreasonable use of force reflects deference to the split-second decisions of an officer and recognizes that, unlike private citizens, officers may use deadly force.....Unlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because ‘the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it....’” [citations omitted] *Lopez v. City of Los Angeles* (2011) 196 Cal.App.4th 675, 685. And, “ ‘We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes ‘reasonable’ action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.’ ” [citations omitted] *Brown v. Ransweiler* (2009) 171 Cal.App.4th 516, 528.

Applying the foregoing legal principles to the facts of this case, and based on the totality of

circumstances surrounding the conduct of the officers, it is clear that Officers Jeffrey Tyner, Danielle Evans, and Terrance Jackson acted in what each of them actually and reasonably believed to be self-defense and in the defense of others. The examined evidence does not support the conclusion that the shooting of Ciel was criminal; rather, it shows that all three officers acted with legal justification. Their respective uses of force were reasonable.

In the early morning hours of April 11, 2019, at approximately 2:34 a.m., Richmond Police Department dispatch received a transfer 911 call from the California Highway Patrol dispatch center. CHP advised that the caller was relaying a possible home invasion at Location #1. When the RPD dispatcher tried to make contact with the caller, there was commotion in the background. The dispatcher repeatedly asked, "Hello?" Although there was no immediate response from the caller, continuous high-pitched screaming and moaning (which sounded like a female) was audible in the background.

The dispatcher contacted the on-duty Richmond Police officers, telling them that there was an initial report of a "home invasion" made to CHP, that "now sounds like a loud physical 415" and that "no one" was talking to her. (NOTE: Penal Code section 415 relates to disturbances that include verbal arguments or loud noise.) The dispatcher began assigning officers to respond: initially, Officers Evan and Tyner, and Sergeant Thomas. Other officers, hearing the dispatch, voluntarily began responding to the area due to the seriousness of the call. RPD Dispatch continued to summon additional officers, including Officer Jackson, for backup.

Nearly two minutes into the call, the dispatcher could hear a young girl (later determined to be V-2, the daughter of V-1 and Ciel) repeatedly screaming "Mom – STOP – Mom – Mom- Mom." There were increased sounds of distress and the dispatcher learned that the caller was 14 years old, and that her father was "trying to stab" the family. In-between telling the dispatcher that she and her family were trapped inside the residence and unable to leave, V-2 would alternate screaming, "Don't touch her!" before continuing to respond to the dispatcher about what was happening. V-2 told the dispatcher that her mother had "actually got stabbed." At 3-1/2 minutes into the call, when asked if she was safe, V-2 told the dispatcher, "No...no...no." Four minutes into the call, V-2 started crying out to her mother again, "Mom? Mommy? Wait, wait!" and when asked if Ciel still had the knife, V-2 replied emphatically, "yes, yes, yes!" Nearly 5 minutes into the call, V-2 confirmed that her mother wasn't being helped, then began shouting again, "Wait – wait – don't hurt her!" Shortly after that, a male's voice started saying "let me go." About 30 seconds later, V-2 began crying, "No, no, no, Dad!" When asked what was happening, V-2 told the dispatcher that Ciel was cutting his throat and trying to kill himself in front of the family. V-2 related that Ciel was getting another knife so that he could kill himself. At about 8 minutes into the call, V-2 confirmed that her father's name was "Luc," and reiterated that her mother had been stabbed.

As Richmond Police officers were responding to the residence, they were receiving updated information from dispatch. The "home invasion" was determined to involve a father who had broken into the residence, not allowing the family to leave, and that possibly one person had been stabbed.

Initially, officers had difficulty finding the residence. About 8 minutes into the call, the dispatcher

asked V-2 more questions about the home, in an effort to aid the officers. About 9 minutes into the call, V-2 confirmed that the family was unable to get out of the house, that the doors were locked, and that Ciel “was cut.” About 10 minutes into the call, V-2 revealed that Ciel had bitten her, when she had tried to have him stop hurting her mother. She also stated that her brother (V-3) was in the house. She told the dispatcher that Ciel was talking to all of them at that moment, and that they could not get out. She said that Ciel had gotten into the residence by breaking a window and climbing into the house. She said that he was not living with the family at that time. She was able to clarify that the family was currently in the back part of the house. V-2 gave the dispatcher additional information that helped the officers locate the residence .

Based on the updated information, Officers Evans, Tyner, and Bruce were able to locate the residence. Sgt. Thomas joined them shortly thereafter, as well as other officers. Knowing that the situation involved a potential hostage situation, Officer Campos was assigned as a crisis negotiator and told to stay out front in the event that negotiations needed to be initiated with the suspect. Sgt. Thomas carried a less lethal bean bag shotgun. The officers knew that the family was being held in a room in the back of the house and that the outer doors were locked. Officers Evans and Tyner went alongside the side of the house, looking for entry points. Officer Evans saw two windows on the side of the home that had lights on; initially, she could not hear anything, but as she started around the back of the house, she observed a broken window to a room that faced into the rear yard. Although she could not make out the words or tone, she could hear some conversation from within the house. She notified her team by radio, and additional units were called for assistance. To the rear of the residence, she saw a wooden deck with steps. There was an open slider door that led from the outer deck into a bedroom. She could hear loud moaning from inside the house, and repeated sounds of “no, no, no.” Officer Tyner could hear a male voice grunting and a female voice saying “no.” He believed that there could be a possible sexual assault occurring. The hallway into the house was illuminated and visible from the officers’ positions alongside the deck. From that vantage point, as the officers began making their way towards the side stairs to the deck, Officer Evans could see the back of a person in the hallway. The person then turned to face the officers’ direction. Both Officers Tyner and Evans could see that it was a female. The woman’s hair was disheveled, and her face was covered in blood. Officer Evans began calling for the woman to “come here.” She repeated it a few times, and the woman (later identified as V-1) began to slowly move towards the rear of the house. V-1 slowly made it out onto the deck, moaning and crying, where officers urged her to move down onto the stairs, pushing past her as other screams intensified from within the house.

[About 13-1/2 minutes into the call, V-2 suddenly told the dispatcher that Ciel was “letting [V-1] go” but confirmed that she did not think that the others could leave. Shortly after that exchange, the dispatcher could hear on the open line, “Please stop – Dad – no – no – no!” and then violent, high-pitched screams before the call ended.]

As V-1 was leaving the house, Officers Tyner and Evans saw other figures inside the hallway of the house. They could see one of the persons had a knife in his hand, was crouched over a smaller individual, and struggling with another individual against the hallway wall, then falling to the floor. Officer Tyner yelled something to the effect of “Oh, he’s gutting her,” while Officer Evans shouted, “Got one with a knife -go, go, go!” Almost simultaneously, Officer Evans recalled hearing

Officer Tyner yelling, "He's cutting her!" as he pushed past her to enter the room. Officer Jackson was outside in the rear yard and behind Officers Tyner and Evans, still making his way up to the deck area. Officer Jackson heard Officer Tyner yelling, "He's gutting her!" Officer Evans followed Officer Tyner through the open slider door into the bedroom. Both officers had their duty weapons out and pointed towards the male adult (Ciel) in the connecting hallway directly in front of them. It was a chaotic scene. There was a tangle of people in the hallway. Officers Tyner and Evans saw Ciel holding a knife in his left hand. Officer Tyner immediately shouted at Ciel, "Drop it!" The order was made twice. Ciel looked up at the officers. Officer Tyner yelled a third time, "Drop it!" A child (later identified as V-2) emerged from the human pile and crawled, screaming, down the hallway towards the officers, while another child (V-3) struggled with Ciel. Ciel was still holding the knife in his left hand. He moved the knife up, and then downward in a rapid motion towards V-3, who was able to break free and escape down the hallway (away from V-2 and the officers in the bedroom). Officer Tyner commanded a fourth time, "Drop it!" Instead of obeying, Ciel pushed himself up from his knees, using his right hand against the hallway wall for support, and turned towards Officers Tyner and Evans, still armed with the knife. Officer Tyner fired twice in rapid sequence as Ciel fell to the floor onto his back, turned to his right and raised the upper half of his body (head, chest), knife still in hand, yelling, "Fuck you," and turning again towards the officers. Ciel's arm was extended, holding the knife. Almost simultaneously, Officer Tyner and Officer Evans each fired one round from their duty weapons. Ciel fell to the floor on his side, the knife clutched in his hand and extended outward.

Within seconds of hearing the gunshots, Officer Jackson (who was with other cover officers in the process of responding) entered the room and saw Ciel lying on the ground with a knife in his hand. Aware that there had been no commands to cease firing, and fearing that Ciel was a threat, Officer Jackson fired one shot from his duty weapon at Ciel. Officer Evans immediately yelled, "Hold up!" Officer Tyner repeated, "Hold up!" and then announced, "Shots fired." The officers began walking through the house to clear the scene. The two children (both of whom had long hair, contributing to the initial confusion of Officer Tyner that the victims were all females) were led outside the front door of the residence (after it was unlocked.) V-3 had a stab wound on his face near his left temple, and another on his hand; he had other minor cuts on his hands. V-1 was found to have a stab wound to her face and to the back of her head, as well as cuts to her hands, back, and stomach. V-2 had minor scratches to her body. All were treated at a hospital. Officer Evans removed the knife from Ciel's hand before paramedics entered the residence.

Officers located numerous black flex ties in Ciel's pocket. There was also another knife in the hallway near his body. He had a knife sheath on his belt. The paramedics pronounced Ciel dead. An autopsy report later showed that Ciel died from multiple gunshot wounds (four). The coroner was unable to determine the sequence of the shots or the order in which the wounds occurred. Additionally, Ciel's body had numerous self-inflicted, shallow cuts to the neck and chest, and one deeper laceration to the upper abdomen (all non-lethal). There was no evidence of gun powder, soot, or stippling on Ciel's body, indicating that the guns were fired at more than 6-18 inches away from Ciel. The knife clutched in Ciel's hand was serrated on one side and double-bladed, with the longer side measuring approximately 8-inches. The distance from bedroom slider door/rear deck entryway to where Ciel's head landed on the floor measured less than 15 feet.

Approximately 8 seconds passed from the time that Officer Tyner entered the bedroom and ordered Ciel to drop the knife, to the time that Officer Evans directed that everyone “hold up.” Four shots were fired after Ciel had been commanded (four times) to drop the knife and again immediately as Ciel was turning towards the officers with the knife still in his hand, defiantly responding to them, “Fuck you.” The fifth and final shot was fired less than three seconds later as Ciel was on the floor, knife still in hand.

The facts show that the officers had probable cause to believe that Ciel posed a significant threat of death or great bodily injury, not only to himself, but to his family.

First, as the officers were responding to the residence, they knew that Ciel was estranged from his family and had not been living there. They knew that he was not allowing the family to leave the house. They were aware that the house was secured and locked. They knew that he was threatening to stab others, and had possibly already done so. When they finally arrived at the correct residence, they discussed tactics and were ready to address the situation with a crisis negotiator and less than lethal force by using a bean bag shotgun. However, when Officers Evans and Tyner entered the rear yard, they could hear moaning and a woman repeatedly saying, “no, no, no.” When they convinced her to leave the house, they could see that she was in a disheveled state and had a bloody face.

As they were encouraging V-1 to walk down the steps of the rear deck, Officers Tyner and Evans could see that there were other people in the hallway inside the house. As they approached the bedroom slider door from the rear deck, they could see what appeared to be a struggle between at least two persons: an adult male (Ciel) and a young female (V-2). The girl was screaming, and was scrambling to get away from Ciel. As she broke free, Officer Tyner could see that Ciel was holding a knife in his hand, swinging it in a downward motion. At that moment, while the first female was crawling towards the officers and away from Ciel, Officer Tyner could see that a second person (V-3) was on the floor, trying to get away from the knife wielded by Ciel. (In an interview with police afterwards, V-3 corroborated Officer Tyner’s statement. He stated that as the police were nearing the back slider door of the bedroom, Ciel shoved him against the hallway, causing V-3 to fall. V-3 says that Ciel then tried to stab him in the head several times. V-3 stated that he dodged the knife with his head and was swinging his arms “hysterically” to avoid being cut. As officers entered the back room, V-3 says he struggled to break free from his father.) Any reasonable person would know at that moment, there was no time to waste. There was a clear and present immediate danger to the persons inside that residence by an armed man. Additionally, having just seen the physical condition of V-1 (disheveled state, bloody face), it was reasonable to believe that Ciel had not only injured his estranged wife, but was moving towards harming other members of his family.

Recognizing the threat, Officer Tyner acted quickly. He ordered Ciel to drop the knife. Although he looked at the officers, Ciel did not comply. Instead, he continued to swing the knife and advanced towards the direction of V-2 and the officers. Not only were the children endangered by Ciel’s actions, but the officers were, as well. Ciel threatened the children, and then the officers, armed with a lethal weapon (described by Ciel’s family as a “hunting knife”). Officer Tyner related (and the Body Worn Camera corroborated) that instead of obeying lawful

orders to drop the knife, Ciel advanced towards the officers, still armed. Officer Tyner was compelled to shoot at Ciel in order to protect not only the children, but his own life and that of his fellow officers.

Similarly, Officer Evans used reasonable force in discharging her duty weapon. After Officer Tyner had fired, Ciel was still gripping the knife. After having been shot, and ordered again to drop the knife, Ciel's response was to yell, "Fuck you!" at the officers, while rolling from his back onto his side, turning again towards the officers. The threat posed by Ciel was not abated. Officers Tyner and Evans reasonably responded to the ongoing threat.

Finally, Officer Jackson described the scene as he entered the room: multiple gunshots had been heard, Ciel was down on the floor, the knife was still gripped in his hand. Officer Jackson was an experienced officer of twenty years. Through his training, he knew of situations where, even after having been shot, suspects continued to pose threats to officers because they pretended to be wounded or incapacitated, and yet were able to thereafter inflict great bodily injury because they retained a weapon that they then used again. Additionally, there had been no command to "hold fire," or such similar indication that the threat was now over. It was only seconds after entering the room that Officer Jackson saw Ciel with the knife and fired his weapon. Due to the totality of circumstances, no reasonable person would conclude that his actions were outside the range of "reasonable conduct." Again, what the officers knew before they shot, and what they did in response to their experience and perception of imminent danger, was entirely reasonable under the circumstances.

Ciel had the "present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury" not only to his family, but to the responding officers. He refused to drop the knife; despite being ordered to do so four times. He attacked V-3 in front of the officers. He turned towards the officers after V-3 was able to break free and advanced towards them, armed and defiant. The officers did not need to wait to see if Ciel would come even closer or use the knife on them. After Officers Tyner and Evans saw V-1 exiting her house, her face covered in blood and moaning, then witnessed Ciel holding a knife to his children while refusing to obey orders to drop the knife, they reasonably believed that lethal force was necessary to prevent further injury or death to the family. The officers could lawfully use all of the force they believed to be reasonably necessary to prevent imminent harm, as any reasonable person in a similar circumstance would have believed the same. Here, lethal force was unquestionably "reasonable" – and necessary – to defend others from Ciel.

Additional evidence shows that Ciel was an actual danger to his family. Ciel had a history of domestic violence against Wit-1. In 2015, he had been convicted by jury of misdemeanor violations of Battery on Spouse and Battery (violations of Penal Code sections 243(e) and 242) in Contra Costa County Superior Court docket # 05-151784-5. He was sentenced to 300 days county jail and to 3 years of probation. On September 2, 2015, a five-year Domestic Violence Restraining Order was issued against him. Ciel was ordered to stay away from - and not contact - V-1, V-2, and V-3. He was present in court when the order was made, and was served with a copy of the order. After he served his jail sentence in the misdemeanor domestic violence case, V-1 allowed Ciel to move back into the residence in January 2016 because she "felt sorry" for him. Like many abused

wives, she continued to endure his verbal assaults and emotional gaslighting. He would frequently threaten her that if she ever called the police on him, he would kill her and her family. She finally could not endure the abuse any longer, and in March 2019, she called Richmond Police on him. The police arrested Ciel on March 26, 2019, just three weeks before the instant case, for violating the restraining order.

Interviews of V-1, V-2, and V-3 shed more light on the emotional and physical cruelty of Ciel towards his wife. All three talked about Ciel frequently threatening V-1, stating that he would kill himself because his family did not love him, though both V-1 and V-2 believed that Ciel would not actually follow through on those threats to self-harm. During this incident, Ciel stabbed V-1, then told the family that he would let her live, and instead, kill himself. Ciel actually cut himself in front of his family (though the coroner found the wounds to be superficial, shallow, “hesitation” cuts that never penetrated past the outer layer of skin). In reality, this was part of a continuing pattern of abuse and psychological terror that he inflicted on his family. Ciel threatened his family, telling V-1 that if the police came, he would get shot, so instead, he would end his life. When the police entered the home to rescue the children (and having probable cause to arrest Ciel for his actions up to that point, including – but not limited to – PC 273.6 (Disobeying Domestic Relations Court Order), PC 236 (False Imprisonment), PC 245(a)(4) (Assault with Deadly Weapon), PC 242 (Battery), PC 273a(a) (Child Abuse/Endangerment)), Ciel instead turned the knife on his son (V-3), toward his daughter (V-2), and at the officers, before the officers fired their weapons.

It is reasonable to believe, as the officers did that night, that Ciel already had caused physical injury – and would have continued to cause – physical harm, and even death, to his family and responding officers. Under the “totality of circumstances” known to the officers before they entered Ciel’s residence (possible hostage situation, threat of stabbing to himself and/or others), and then, their observations upon arriving at the residence (fresh injuries to V-1, Ciel’s attempts to restrain and attack V-2 and V-3, his defiance of lawful commands to drop the knife, and his advancing on the responding officers), it was reasonable for the officers to believe that deadly force was necessary to protect themselves (and Ciel’s family).

As the United States Supreme Court recognizes, “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Graham v. Conner* (1989) 490 US 386, 396-397.

In conclusion, in applying the relevant law to the present case, there was lawful justification in the shooting of Ciel. Therefore, criminal prosecution is not warranted for Officers Tyner, Evans, and Jackson. As such, no further action will be taken in this case.